

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

YANKEE ATOMIC  
ELECTRIC COMPANY

Plaintiff,

v.

UNITED STATES OF AMERICA

Defendant.

**No. 17-676C**  
**(Senior Judge Firestone)**

**JOINT MOTION FOR ENTRY OF PROTECTIVE ORDER**

Pursuant to Rule 26(c) of the Rules of the Court of Federal Claims (RCFC), plaintiff Yankee Atomic Electric Company, and defendant United States (together, the “parties”), jointly move for entry of the Agreement and Protective Order attached hereto as Exhibit A, and further state as follows.

The parties agree that certain documents and other information that will be produced in this case contain confidential or otherwise protected information. Therefore, the parties agree that entry of a protective order under RCFC 26(c) is warranted and appropriate.

The form of the attached Agreement and Protective Order is derived from the standard protective order entered in other spent nuclear fuel cases, subject to the two modifications set forth below. These same two modifications were also made to the protective order entered in the prior case involving these parties (*see Yankee Atomic Electric Co. v. United States*, Case No. 13-584, Dkt. No. 10 (Fed. Cl. Dec. 16, 2013)).

- Paragraph 9 of the standard form (setting forth a procedure for contesting confidentiality designations) has been replaced with new Paragraphs 9 and 10. In order to facilitate timely and cost-effective production of a large number of documents that may contain protected information, but that have not yet been individually reviewed, Paragraph 9

allows the producing party to elect to designate an entire production of documents, or any specified subsection thereof, as confidential with the understanding that if, upon review, the party seeking discovery believes such designation is unwarranted for a particular document or category of documents, that party may bring the document or category of documents to the producing party's attention for a review of whether the producing party seeks to maintain the confidential designation or remove it, pursuant to the procedure set forth in Paragraph 10.

- Pursuant to Fed. R. Evid. 502(d), a provision addressing disclosure of a communication or information covered by the attorney-client privilege or work-product protection has been included in Paragraph 13.

WHEREFORE, for the reasons stated, the parties jointly request that the Court enter the Agreement and Protective Order attached hereto as Exhibit A.

Respectfully submitted,

/s/ Robert H. Stier, Jr.  
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CERTIFICATE OF FILING

I certify that on this 31st day of July, 2017, a copy of the foregoing JOINT MOTION FOR ENTRY OF PROTECTIVE ORDER was filed electronically. I understand that notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Robert H. Stier, Jr.